

## **REMARKS**

Claims 1-24 are now pending in the application. Claim 24, depending from Claim 1 has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krispin et al. (U.S. Pat. No. 5,326,052). This rejection is respectfully traversed.

It is initially noted Claim 1 has been amended to recite the limitations of:

“a refueling boom including a rotatably connectable end and a distal end;  
a refueling nozzle connectable to the distal end of the boom; a plurality of  
targeting sights positionable on the boom; and at least one digital camera  
positionable adjacent the rotatably connectable end of the boom and  
operable to receive each of a plurality of individual images of the targeting  
sights and convert each individual image to one of a plurality of pixel  
images.”

Krispin '052 discloses a drogue 10 having electrooptical sensors 50 and 60  
mounted on the perimeter of the drogue or on the aircraft body, but not on the hose  
connected to the drogue. Each electrooptical sensor includes a miniature lens 52,54  
and a position-measuring photo-detector 51,53. The sensors detect a light source 70  
mounted on the receiver aircraft probe and measure the two-dimensional position of the  
image of the light source. See column 4, lines 20-27. Krispin therefore discloses

electrooptical sensors mounted directly on the drogue or alternately on the body of the tanker aircraft, while the light sources are located on a probe of the receiver aircraft.

Krispin does not disclose the feature of Applicants' amended Claim 1 of "a refueling boom including a rotatably connectable end and a distal end." Krispin further does not disclose the feature of "a plurality of targeting sights positionable on the boom." Krispin still further does not disclose the feature of "at least one digital camera positionable adjacent the rotatably connectable end of the refueling boom." Krispin therefore does not anticipate Applicants' amended Claim 1. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 1. Because Claims 2-8 depend from amended Claim 1, Krispin does not anticipate Claims 2-8 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 2-8.

It is initially noted Claim 9 has been amended to recite in part the limitations of:

"an extendable refueling tube including a rotatably connectable end and a distal end, and a refueling nozzle connectable to the distal end of the refueling tube."

Krispin does not disclose the feature of Applicants' amended Claim 9 of "an extendable refueling tube including a rotatably connectable end and a distal end." As noted above Krispin discloses electrooptical sensors mounted on either the drogue or alternately on the body of the tanker aircraft. Krispin therefore does not disclose the Claim 9 feature of "a plurality of light imageable targets positionable along an external surface of the tube."

Krispin therefore does not anticipate amended Claim 9. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 9. Because Claims 10-14 depend from amended Claim 9, Krispin does not anticipate Claims 10-14 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 10-14.

It is initially noted Claim 15 has been amended to recite in part the limitations of:

“an aircraft mounted extendable refueling tube having a fixed tube section and an extendable tube section slidably extendable from within the fixed tube section”, and

“wherein one of the pixel images corresponding to an extendable tube section surface point is comparable by the computer system to a corresponding refueling tube null position to operably determine a deflection of the extendable tube section.”

Krispin does not disclose the feature of Applicants’ amended Claim 15 of “an aircraft mounted extendable refueling tube having a fixed tube section and an extendable tube section slidably extendable from within the fixed tube section.”

Krispin also does not disclose the features of Applicants’ amended Claim 15 of “one of the pixel images corresponding to an extendable tube section surface point is comparable by the computer system to a corresponding refueling tube null position to operably determine a deflection of the extendable tube section.”

Krispin therefore does not anticipate amended Claim 15. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 15.

Because Claims 16-19 depend from amended Claim 15, Krispin does not anticipate Claims 16-19 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 16-19.

It is initially noted Claim 20 has been amended to recite the limitations of:

“a two section conduit for supplying the fluid from the fluid supply source to the moving mobile platform, the two section conduit including a first section rotatably fixed to the fluid supply source and a second section longitudinally extendable from within the first section”, and

“at least one targeting sight positionable on the second section of the conduit; and at least one digital camera for imaging the targeting sight and for converting images of the targeting sight into a plurality of pixel images for assisting in positioning the second section of the conduit relative to the mobile platform.”

Krispin does not disclose the limitations of Applicants' amended Claim 20 of “a two section conduit” or “the two section conduit including a first section rotatably fixed to the fluid supply source and a second section longitudinally extendable from within the first section.”

Krispin also does not disclose the limitations of Applicants' amended Claim 20 of “at least one targeting sight positionable on the second section of the conduit” or “at least one digital camera for imaging the targeting sight and for converting images of the targeting sight into a plurality of pixel images for assisting in positioning the second section of the conduit relative to the mobile platform.”

Krispin therefore does not anticipate amended Claim 20. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 20. Because Claims 21 and 22 depend from amended Claim 20, Krispin does not anticipate Claims 21 or 22 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 21 and 22.

It is initially noted Claim 23 has been amended to recite in part the limitations of:

“the conduit being divisible into a fixed section rotatably connectable to the fluid supply source and an extendable section longitudinally extendable from within the fixed section”,

“at least one target for identifying a specific location along the extendable section”, and

“a controller operable to enter an image of the target into a coordinate system and to signal a corrected position of the extendable section by comparing the specific location along the extendable section to the coordinate system”.

Krispin does not disclose the limitations of Applicants' amended Claim 20 of “the conduit being divisible into a fixed section rotatably connectable to the fluid supply source and an extendable section longitudinally extendable from within the fixed section”, “at least one target for identifying a specific location along the extendable section”, or “a controller operable to enter an image of the target into a coordinate system and to signal a corrected position of the extendable section by comparing the specific location along the extendable section to the coordinate system”.

Krispin therefore does not anticipate amended Claim 23. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 23.

**DOUBLE PATENTING REJECTION**

Claims 1-23 stand rejected under the judicially created doctrine of double patenting over claims 1-25 of U.S. Patent No. 6,651,933. This rejection is respectfully traversed.


In response to the Examiner's obviousness-type double patenting rejection, Applicant herewith submits a Terminal Disclaimer in accordance with 37 C.F.R. 1.321(c). The Examiner's attention is drawn to the terminal disclaimer wherein the assignee owner of 100% interest in the instant application disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,651,933. The terminal disclaimer and fee therefore are provided herewith. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
Mark D. Elchuk  
Reg. No. 33,686  
Thomas J. Krul  
Reg. No. 46,842

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MDE/TJK/cg